

Remarks

Claim 40 has been canceled. All other pending claims remain and are presented for the Examiner's review and consideration. Applicant believes the claim amendments and accompanying remarks herein serve to clarify the present invention and are independent of patentability. No new matter has been added.

Cancellation of Claim 40

Claim 40 was rejected under U.S.C. § 103(a) as being unpatentable over Bolander (U.S. Patent No. 4,743,259) in view of Kraus (U.S. Patent No. 5,152,744). In order to expedite prosecution and without conceding the validity of the rejection, claim 40 has been canceled without prejudice.

Allowable Subject Matter

Applicant thanks the Examiner for the allowance of claims 36-39, 41-44, 46, 47, 49, 57-60, 69-71, and 73-96.

Conclusion

In light of the foregoing amendments and remarks this application is now in condition for allowance, and early passage of this case to issue is respectfully requested. Early action is respectfully requested in this case given the limited patent life that remains. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned. No fees are believed to be due for this submission. However, please charge

Applicant: P. M. Bonutti
Application No.: 10/003,996
Examiner: M. C. Hoffman

any other fee required (or credit any overpayment) to the Deposit Account of the undersigned,
Account No. 503410 (Docket No. 780-A02-014-8).

Respectfully submitted,

/Paul D. Bianco/

Paul D. Bianco, Reg. No. 43,500

Customer Number: 33771

FLEIT GIBBONS GUTMAN BONGINI & BIANCO
21355 East Dixie Highway
Suite 115
Miami, Florida 33180
305-830-2600 (telephone)
305-830-2605 (facsimile)
e-mail: pbianco@fggbb.com